

REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed January 17, 2006. In the final Office Action, the Examiner rejects Claims 1-4, 6-11, 13-20, 22-26, 28-39, 41-43, 55-66, 68, 70-73, 75 and 77-87. The Examiner objects to Claims 11, 13-16, 25, 26, 30-35, 45, 49, and 57-62. For the reasons given below, Applicants submit that all pending and new claims are in condition for allowance.

Claim Objections

The Examiner rejects Claims 28 and 29 because of certain informalities. Applicants have amended these claims to address the Examiner's objection. Furthermore, Applicants have made minor amendments to a number of other claims to address various informalities. Reconsideration and favorable action are requested.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 11, 13-16, 25-26, 30-35, 45, 49, and 57-62 would be allowable if rewritten in independent form. As described below, Applicants respectfully submit that the independent claims as amended are allowable over the cited references and thus have not rewritten these allowable claims.

Section 102 Rejections

The Examiner rejects Claims 1-4, 6-10, 17-20, 22-24, 28-29, 36-39, 41-44, 46-48, 50-53, 55-56, 63-66, 68, 70-73, 75, and 77-87 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,751,459 issued to Lee et al. ("*Lee*").

Independent Claim 1 of the present application recites the following limitations:

A method for routing calls in a packet-based network, comprising:
receiving a call request at a first call manager from a device coupled to the packet-based network, the call request including a telephone number associated with a plurality of telephony devices coupled to the packet-based network and controlled by a plurality of call managers;
determining a line control process associated with the telephone number included in the call request;
communicating the call request to the line control process;

determining a device process controlling each telephony device associated with the telephone number included in the call request; and communicating the call request from the line control process to the device processes.

Independent Claims 17, 36, 50, 66 and 73 include similar, although not identical, limitations.

Applicants respectfully submit that Claim 1 is allowable because *Lee* does not disclose each and every one of these limitations. For a teaching of all of these limitations, the Examiner cites to Column 4, lines 29-42 and Column 11, lines 17-53 (and associated Figure 4) of *Lee* (see Final Office Action, pages 4-6).

For example, Applicants fail to see how the passage at Column 4, lines 29-42 discloses any of the limitations of Claim 1 (this passage only generally refers to the use of IP telephony communications). The Examiner does not show how this or any other portion of *Lee* discloses “a plurality of telephony devices coupled to the packet-based network *and controlled by a plurality of call managers*.” In the “Response to Arguments” section of the Final Office Action, the Examiner specifically identifies elements 152, 106, and 108 of *Lee* as the disclosed “plurality of call managers.” Element 152 is disclosed as being a “gatekeeper,” element 106 is disclosed as being a proxy server, and element 108 is disclosed as being a domain name server. Although it is unclear what the function of gatekeeper 152 is, it is clear that a proxy server and a domain name server are not call managers as claimed (and the Examiner does not explain how these well-known types of network equipment could be construed as call managers). Therefore, even assuming for the sake of argument that gatekeeper 152 is a call manager, *Lee* does not disclose a *plurality* of call managers, as required by the claims.

With respect to the passage at Column 11, lines 17-53 (and Figure 4), the Examiner explains that this discloses a “phone number used to access the phone and IP terminal having a IP address whereby the PID is used to identify the particular user associated with user records.” (Final Office Action, page 6). Furthermore, the Examiner states that this passage recites a “phone having a 10-digit identification number being used to access the phone via the PSTN or wireless network.” Again, Applicants fail to see how this discloses any of the

limitations of Claim 1. The Examiner asserts that this passage “clearly reads on” the following limitations: “determining a line control process associated with the telephone number included in the call request,” “communicating the call request to the line control process,” “determining a device process controlling each telephony device associated with the telephone number included in the call request,” and “communicating the call request from the line control process to the device processes.” However, the Examiner does not provide any explanation as to how this passage (or even the Examiner’s summary of this passage) applies to the limitations above. Applicants request that the Examiner at least lay out separately how this passage discloses each of these separate limitations.

In any case, Applicants respectfully submit that there is simply not a disclosure of any sort of “processes” as claimed (and thus there is not a disclosure of how these processes are used, as recited in the claims). The Examiner states in the Final Office Action (pages 2-3) that “a line control process and a device process can be any hardware or software or processor-based device that controls access by the terminals.” First, this is an incorrect claim interpretation, as it wholly disregards the context in which these terms are used in both the claims and the detailed description of the application. *See* M.P.E.P. § 2111 (claims must be given their “broadest reasonable interpretation *consistent with the specification*”) (emphasis added). The Examiner goes on to assert on page 3 that any ATM switching unit (and possibly any PSTN, IP or ATM network – it is unclear from the Examiner’s argument what is being asserted) reads on a “line control unit”¹ and that a server including a plurality of databases storing user’s information reads on a “device processor.”² Applicants submit that these elements clearly are not a “line control process” or a “device process” under any reasonable interpretation of these terms. Second, even assuming for the sake of argument that this interpretation is correct, the examiner still has not shown how *Lee* discloses how the last four limitations of Claim 1 are met using this interpretation of what a line process and device process are.

¹ Applicants assume the Examiner means a “line control process.”

² Applicants assume the Examiner means a “device process.”

As noted before, *Lee* simply does not disclose the types of processes recited in the claims. For example, as Applicants have argued before, the “process ID” (PID) that was recited in a previous version of Claim 1 (but which the Examiner still refers to in his rejection of Claim 1) is not the same as the PID disclosed in *Lee*. The PID of *Lee* is a “personal identifier.” For example, *Lee* discloses that this can be a telephone number or e-mail address of a user (see Column 5, lines 35-44). Although no longer in Claim 1, this interpretation of PID by the Examiner shows the faulty reasoning used to assert that *Lee* discloses line control processes or device processes as recited by Claim 1.

Applicants respectfully submit that Claim 1 is in condition for allowance for at least the reasons provided above. Therefore, Applicants request reconsideration and allowance of Claim 1, as well as the claims that depend from Claim 1. Furthermore, because independent Claims 17, 36, 50, 66 and 73 include similar, although not identical, limitations to Claim 1, Applicants also request reconsideration and allowance of these independent claims, as well as the claims that depend from these independent claims. Favorable action is respectfully requested.

Moreover, in addition to being allowable due to their dependence on an allowable independent claim, many of the dependent claims of the application contain additional limitations not disclosed in *Lee*. The following are just some examples. For example, and not by way of limitation, *Lee* does not disclose communicating a call request to a line control process executing at a second call manager, as recited by Claims 6, 22, 68, and 75. For a teaching of this limitation, the Examiner points to the PMDNS server receiving a request for telephony services from a user terminal. The Examiner does not explain how this discloses sending a request *to a line control process*, much less a line control process *at another call manager*. Furthermore, the user terminal is clearly not a first call manager, as required by these claims (assuming only for the sake of argument that the PMDNS server is a second call manager). The Examiner has not address these arguments (which were presented before) in the Final Office Action. Because these limitations are not disclosed in *Lee*, Applicants respectfully request reconsideration and allowance of Claims 6, 22, 68, and 75.

Claims 8, 23, 42, and 55 are also further allowable because *Lee* does not disclose communicating a call request to multiple device processes in parallel. The passage cited by the Examiner as disclosing this limitation merely discloses splitting up a database for load sharing purposes. Applicants fail to see how the cited passage is at all relevant to these claims. There is simply no disclosure of any communications from a line control process to any device control process, much less to multiple device processes *in parallel*. The Examiner does not address these arguments (which were presented before) in the Final Office Action. For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claims 8, 23, 42, and 55.

In addition, Claims 9, 24, 43, and 56 are allowable because *Lee* does not disclose communicating a call request to the multiple device processes in series. The passage cited by the Examiner as disclosing this limitation does not disclose communication of anything *in series*, much less communication of a call request to the multiple device processes in series. Applicants fail to see how the cited passage is at all relevant to these claims. The Examiner does not address these arguments (which were presented before) in the Final Office Action. For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claims 9, 24, 43, and 56.

Furthermore, Claims 79-87 include limitations relating to the use of line control processes or device processes (as well as the use of process IDs to access these processes). Therefore, for the same reasons provided above with respect to Claim 1, Claims 79-87 are also in condition for allowance. Favorable action is respectfully requested.

Conclusion


Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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